

REMARKS

Claims 15-27 are pending in the present application.

Claims 15-27 are rejected under 35 U.S.C. § 103(a) as unpatentable (obvious) over Japanese Patent Application No. JP 05-194658 (Kawaguchi) in view of Rubber Material Performance and Design Application (Zheng Fu) and U.S. Patent Application Publication No. US 2008/0233399 (Asakura). The Examiner alleges that Kawaguchi discloses a process for producing a polybutadiene rubber composition including forming component "A" by subjecting 1,3-butadiene to cis-1,4-polymerization and subsequent reaction with a 1,2-syndiotactic polymerization catalyst. The Examiner further alleges that the component "A" can be mixed with component "B" which can be a high cis-polybutadiene rubber. The Examiner acknowledges that Kawaguchi fails to disclose the recited catalysts to make the polybutadiene and relies on Zheng Fu for this teaching. Additionally, the Examiner acknowledges that Kawaguchi is silent regarding the use of silica and the recited structure of 1,2-polybutadiene, and relies on Asakura for this teaching. Applicants respectfully but strenuously traverse the rejection of claims 15-27 for the reasons set forth below.

The independent claims of the present application (i.e., claims 15, 20, and 23-27) all recite compositions which include rubber reinforcing agents as well as 1,2-polybutadiene in a short crystalline fiber form in which a minor axis average length of monodispersed fiber crystals is not more than 0.2 μm , an aspect ratio is not more than 10, and a number of average monodispersed fiber crystals is 10 or more per 400 μm^2 . At page 4 of the Office Action, the Examiner acknowledges that such features are not disclosed in Kawaguchi and relies on Asakura for such teaching. Specifically, the Examiner alleges that Asakura discloses a composition including 1,2-polybutadiene having 100 or more per 400 μm^2 of mono-dispersed fiber crystals of 0.2 μm or less, an aspect ratio of 10 or less, and silica.

The present application is the U.S. National Stage entry of PCT/JP2005/023379 having an international filing date of December 20, 2005. In contrast, Asakura has a § 371 date of June 6, 2006. Accordingly, Asakura is not prior art to the present application. Moreover, Applicants

hereby submit verified English translations for the seven Japanese priority documents to which the present application claims priority, as follows:

Japanese Patent Application Number 2004-369597, filed December 21, 2004;
Japanese Patent Application Number 2004-369643, filed December 21, 2004;
Japanese Patent Application Number 2004-369685, filed December 21, 2004;
Japanese Patent Application Number 2004-369707, filed December 21, 2004;
Japanese Patent Application Number 2004-369733, filed December 21, 2004;
Japanese Patent Application Number 2004-369771, filed December 21, 2004; and
Japanese Patent Application Number 2004-369782, filed December 21, 2004.

Thus, the priority of the present application has been perfected to December 21, 2004, which predates not only the U.S. filing date of Asakura, but also the June 23, 2005 publication of International Application Publication No. WO 2005/056663, which is associated with Asakura.

All of the claims of the present application are fully supported by one or more of the seven Japanese Patent Applications whose certified English translations are provided herewith. Accordingly, Asakura is no longer a proper prior art reference with respect to the present claims, and the rejection in view of Kawaguchi, Zheng Fu, and Asakura cannot stand. Therefore, reconsideration and withdrawal of the obviousness rejection of claims 15-27 in view of Kawaguchi, Zheng Fu, and Askaura are respectfully solicited.

CONCLUSION

In view of the foregoing Remarks, Applicants respectfully submit that the claims distinguish over the cited art. Therefore, the present application is in condition for allowance. Reconsideration and an early Notice of Allowance are respectfully requested

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Enclosures.